

**HIGH COURT OF CHHATTISGARH, BILASPUR****Criminal Revision No.899 of 2018**

1. Rupwati Soni, D/o Karan Lal Soni, aged about 40 years,
2. Mamta Soni, Wife of Raj Kumar Soni, aged about 35 years,
3. Doso Kenwat, Wife of Balman, aged about 42 years,
4. Basanti Kenwat, Wife of Balmukund, aged about 40 years,
5. Rajani Sawara, Wife of Basudeo, aged about 35 years,
6. Sukmoti Deep, Wife of Jai Kumar, aged about 40 years,
7. Sukanti Kolta, Wife of Subhash, aged about 45 years,
8. Peela Bai Patel, Wife of Shiv Prasad, aged about 50 years,
9. Shikha Chouhan, Wife of Shiv Lal, aged about 50 years,
10. Raj Kumar Soni, Son of Karan Lal, aged about 25 years,
11. Shiv Lal Chouhan, Son of Jogi Lal, aged about 50 years,

All are R/o Village Laxmipur, P.S. and Tahsil Pithora, District Mahasamund, Chhattisgarh

---- Applicants

**versus**

Smt. Laxmi Bai, Wife of Pitamber Soni, aged about 50 years, R/o Village Laxmipur, P.S. and Tahsil Pithora, District Mahasamund, Chhattisgarh

--- Respondent

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| For Applicants | : | Shri Shikhar Sharma, Advocate |
| For Respondent | : | Shri Surfaraz Khan, Advocate  |

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**Hon'ble Shri Justice Arvind Singh Chandel**

**Order on Board**

**18.2.2019**

1. With the consent of Learned Counsel appearing for the parties, the matter is heard finally.
2. The instant revision has been preferred against the order dated 1.6.2018 passed by the Additional Sessions Judge (FTC), Mahasamund in Criminal Revision No.H-04 of 2017 arising out of the order dated 19.10.2016 passed by the Judicial Magistrate First

Class, Pithora, District Mahasamund in Criminal Complaint Case No.421 of 2016. Vide order dated 1.6.2018, the Revisional Court has directed the Trial Court to frame additional charges under Sections 452, 427, 506 Part II read with Section 149 of the Indian Penal Code after taking evidence in the case.

3. I have heard Learned Counsel appearing for the parties and perused the material available with due care.
4. It has been submitted on behalf of the Applicants that on filing of a complaint case, being Criminal Complaint Case No.421 of 2016, vide order dated 19.10.2016, the Judicial Magistrate First Class, Pithora took cognizance of the offence punishable under Section 427 of the Indian Penal Code and issued process against the accused persons/Applicants. Thereafter, vide order dated 23.12.2016, the Trial Court made charge/particulars of offence under Section 427 of the Indian Penal Code. It has been further submitted that against the order dated 19.10.2016, a revision, being Criminal Revision No.H-04 of 2017 was preferred by the Complainant/Respondent, but the Revisional Court, while allowing the revision, quashed the order dated 23.12.2016 by which order for framing charge against the accused persons was passed. Thus, it is clear that the Revisional Court, in place of deciding the matter preferred before it against the order dated 19.10.2016, quashed the order dated 23.12.2016 framing charge against the accused persons and directed the Trial Court to frame additional charges.
5. Considering the above fact, the matter is remanded to the Revisional Court to decide the same against the order dated

19.10.2016 afresh in accordance with law. Both the parties shall appear in person before the Revisional Court on 18.3.2019.

6. Consequently, the instant revision is disposed of in the aforesaid terms.
7. A copy of this order be sent to the Revisional Court forthwith.

Sd/-  
(**Arvind Singh Chandel**)  
**Judge**